

Abstract

Thesis title: **Secondary victims in law: a comparative analysis**

This thesis deals with the secondary victims in the Czech and German law. The aim of the paper is to analyse mentioned issue of the secondary victims, to determine mutual similarities and differences in both jurisdictions and to suggest a possible inspiration from the German law in the future also. The thesis is divided into three parts.

The first part focuses on the secondary victims in the Czech Republic. The paper defines the general concept of harm, the secondary victims and their particular groups. The thesis also describes the evolution of their position with the respect to the Czech case law. The main emphasis in this chapter is put on the individual claims of secondary victims, but the paper deals with the claims for non-pecuniary damages and its limits in detail. In this context, the thesis provides a detailed interpretation of § 2959, which grants a compensation to the close persons in case of death or serious bodily injury, and of problematic § 2971 Czech Civil Code, under which the another non-pecuniary damage can be replaced to the wide range of people.

The second part deals with the secondary victims in Federal Republic of Germany. Its structure is similar to that in the first chapter. The paper analyses the secondary victims and their position in the German law. Their claims for pecuniary and non-pecuniary damages are described, but the main emphasis is put on the interpretation of the compensation for harm caused by nervous shock (Schockschaden). Further the thesis focuses on the current draft of the amendment to the law, which could significantly improve the position of the secondary victims in the future through the introduction of the compensation of the emotional harm.

The third part focuses on the comparison of selected aspects of compensation for the harm of secondary victims in the Czech and German law. The thesis compares their individual claims, accentuates the commonalities and differences and takes considerations regarding the possible mutual inspirations of both jurisdictions. The main emphasis is put on the possible future application of the German compensation for the nervous shock by the possible introduction of the compensation for the psychiatric injury by the secondary victims in the Czech Republic in the future.